

My name is Harold Kozlowski. I am president of Highland Community Broadcasting (HCB), licensee of WCNH-LP in Concord, New Hampshire. The LPFM service has allowed our community group to restore full-time classical music radio to a area that needed it. We have been on the air since 2004, and while we get great support from our listeners, and we were even recognized by the FCC for our service and invited to the Commission's LPFM day in 2006, we have had our problems as well.

WCNH-LP at 94.7 receives first-adjacent interference from WHOM at 94.9. WHOM, licensed to Mount Washington, New Hampshire, is a grandfathered "super-powered" FM that operates at a facility above Class C. They cover Concord like a local station even though they are some 75 miles away. WCNH's signal is constantly battered by WHOM. In fact during softer musical passages you can often hear the audio peaks of WHOM modulating against our carrier. You have to be within a few hundred feet of the WCNH-LP tower in order to get an interference-free signal.

HCB endorses allowing LPFM's to operate on third-adjacent channels, however that rule would not help WCNH in this case because the only channel that opens up under that rule is 95.1, also first-adjacent to WHOM. That is not to say there are not quieter spots on the local FM dial. The problem is that using the current LPFM mileage separation table does not allow us to use such channels. However if the FCC were to allow LPFM's to use the contour-based protection method, as they allow translators to do, that would allow us to move and operate interference-free.

HCB proposes allowing LPFM's to use the contour-based protection method. It never made sense to have one secondary service, LPFM, use strict mileage separations, and the other, FM translators, be able to operate at higher powers and use a myriad of options from contour-based protection to directional antennas to squeeze onto the FM dial. It's simply not fair, especially when LPFM's are more likely to provide local programming and service.

It has been argued that the whole idea of LPFM was to allow local community groups a simplified method of obtaining a broadcast license. The original mileage separation method, with allowance to operate on third-adjacent channels, can still be available to such groups. However when a usable channel cannot be found, the option to use the contour-based protection method should be available.

HCB proposes the contour-based protection method should also be available to operating LPFM's that seek to escape interference at their current frequency. If needed, a second-adjacent channel interference waiver should be granted if an applicant can demonstrate that a very small percentage of population, or even zero population, would receive interference if the LPFM were allowed to co-locate with, or locate within the second adjacent facilities protected contour. In most areas, second-adjacent channels are usually very quiet, and are often the most attractive frequency options available. This would be a more efficient use of precious broadcast spectrum, and would not cause harmful interference. LPFM's should be allowed to use directional FM antennas similar to ones already used

by FM translators.

HCB also propose that the FCC loosen ownership restrictions of LPFM's to allow local groups to operate, and duplicate programming on, two such facilities as long as the organization's headquarters or governing board members live within 15 miles of each LPFM transmitter site, and if there is no overlap of 70dbu contours between the two facilities. Often times local communities are spread out, or run along a river valley. A second LPFM facility would allow coverage of such sprawling communities with common needs and interests.

Regarding the relative status of LPFM's vs FM translators, HCB proposes the FCC allow LPFM's to apply for and operate on channels currently occupied by an FM translator under certain limited conditions. There is no question that FM translators provide a valuable and needed service. But it's also true that certain NCE broadcasters have exploited the the rules allowing direct program feeds to translators to create de facto national networks.

Therefore HCB endorses a concept similar to ones put forth by Prometheus Radio Project and RECNET on the subject of granting LPFM's status above that of certain FM translators. If an FM translator rebroadcasts a signal from an out-of-state originating station, or repeats an in-state originating full-power station that serves as a full-time repeater of the out-of-state station, or repeats an in-state translator of an out-of-state originating station, that translator frequency should be available to a new or operating LPFM, provided that the licensee of that translator has not designated it as a limited number "protected" translators. The number of translators that can be protected should be limited to a number around 25. Further, the status of such FM translators shall be based its performance of the past 2 years. Such a rule would prevent translator licensees from changing originating stations at the last minute when such a facility is requested for LPFM use.

Thank you for your attention.

Sincerely,
Harold Kozlowski